

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7453

Joint Petition of Vermont Electric Power Company, Inc.)
("VELCO"), Vermont Transco LLC, Green Mountain)
Power Corporation, and Vermont Electric Cooperative, Inc.)
("VEC"), for a Certificate of Public Good, pursuant to 30)
V.S.A. Section 248, authorizing the upgrade of VELCO's)
Tafts Corners substation and the removal of VEC's existing)
substation located near the intersection of Route 2A and)
Old Creamery Road in the Town of Williston, Vermont)

Order entered: 11/16/2009

ORDER RE COMPLIANCE FILING

BACKGROUND

On January 7, 2009, the Vermont Public Service Board ("Board") issued an Order approving the Joint Petition of Vermont Electric Power Company, Inc. ("VELCO"), Green Mountain Power Corporation ("GMP") and Vermont Electric Cooperative, Inc. ("VEC") for a Certificate of Public Good ("CPG") pursuant to 30 V.S.A. § 248 to perform certain construction activities as part of an upgrade of VELCO's Tafts Corners substation in Williston, Vermont. These construction activities included the eventual removal of VEC's Williston Substation.

In its Order of January 7, 2009, the Board conditioned its approval of the CPG upon the requirement that VEC file with the Board for review and approval a plan for the removal of VEC's Williston Substation. On October 9, 2009, VEC submitted for Board approval a work plan ("Proposed WorkPlan") from The Johnson Company, an environmental engineering firm retained by VEC to assist the utility with the retirement of VEC's Williston Substation.¹ No comments have been received from any of the parties regarding the Proposed Work Plan.

1. The Proposed Work Plan was attached to a letter dated October 8, 2009, from Victoria Brown, Esq., on behalf of VEC, to Susan M. Hudson.

We have reviewed the Proposed Work Plan and have determined that it is acceptable, except with regard to its reporting provisions, which, as proposed, would provide as follows:

Analytical results will be compared to the Vermont soil screening levels, which use a combination of Federal Regional Screening Levels (RSLs) and Vermont Department of Health (VDH)-derived values for residential and industrial soils. If no compounds are reported above Vermont soil screening levels, the results will be summarized in a report to VEC and the PSB. If contamination is determined to be present at the Site and there are sufficient data to preclude a second investigation stage, a soil management plan will be prepared to address the contaminated soils at the Site. If additional data is required to delineate contamination, a second investigation stage will be recommended to collect sufficient data to prepare a Corrective Action Plan (CAP) for the Site, which will detail the planned remediation of any impacted soil and/or concrete, including potential restrictions to the future use of the property. If PCBs are detected in excess of the TSCA [Toxic Substances Control Act] regulatory limit, a notification of PCB cleanup must also be prepared for review and approval by TSCA. Following the submittal of the soil management plan, CAP, and/or TSCA cleanup notification, The Johnson Company will be available to assist VEC in any questions arising during the PSB review process.²

As the language quoted above indicates, the reporting requirements contemplated by the Proposed Work Plan appear to differ depending on whether contamination is found to be present at the VEC Williston Substation. It seems a report would be sent to the Board in the event no contamination is found at the substation site, but not so in the event that contamination is found. We perceive no reason why these two scenarios should be subject to different reporting requirements. Accordingly, we require VEC to amend the Proposed Work Plan to clarify that VEC shall file a report in either case, whether contamination is or is not discovered at the site of VEC's Williston Substation. Furthermore, should there be a discovery of contamination, VEC shall inform the Board as soon as practicable of the details, as well as of VEC's plans for remediation. VEC shall also provide the Board with a copy of any remediation plan, soil management plan, Corrective Action Plan or Toxic Substance Control Act cleanup notification that may be generated in connection with the VEC Williston Substation removal. VEC shall also

2. Proposed Work Plan at 3.

make these reports available to the Department of Public Service ("Department") and the Agency of Natural Resources ("ANR").

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. Vermont Electric Cooperative, Inc.'s ("VEC") Proposed Work Plan is approved, subject to the following modifications:
 - a. VEC shall file a report with the Board in either case, whether contamination is or is not discovered at the site of VEC's Williston Substation;
 - b. VEC shall inform the Board as soon as practicable of the details of any contamination that may be discovered in the course of the removal of the VEC Williston Substation;
 - c. VEC shall inform the Board of any plan it adopts to remediate any contamination that may be discovered in the course of the removal of the VEC Williston Substation;
 - d. VEC shall also provide the Board with a copy of any remediation plan, soil management plan, Corrective Action Plan or Toxic Substance Control Act cleanup notification that may be generated in connection with the VEC Williston Substation removal. Upon request, VEC shall also make these reports available to the Department and the ANR.

Dated at Montpelier, Vermont, this 16th day of November, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: November 16, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.